

PERSONS SIMILARLY SITUATED.

PLEASE TAKE FURTHER NOTICE, that the motion will be heard at 300 Quarropas Street, White Plains, NY 10601-4150, in the courtroom of the Honorable William C. Conner, United States District Judge at a date to be set by the Court.

Dated: New York, New York
July 8, 2009

/s/ Brent E. Pelton
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Attorneys for Plaintiffs

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X	Civil Action No. 09-cv-4309 (WCC)
LOUIS FERRER and GLEN ALTOMENTE,	:
Individually and on Behalf of All Other Persons	:
Similarly Situated,	:
	:
	:
	:
	:
	:
Plaintiffs,	:
	:
vs.	:
	:
RAINES & WELSH & SONS, INC., RAINES &	:
WELSH & SONS CONTRACTORS, INC.,	:
THOMAS J. WELSH, DEBORAH WELSH,	:
STEVEN RAINES and JOHN DOES #1-10,	:
Jointly and Severally,	:
	:
Defendants.	:
-----X	

**[PROPOSED] ORDER ON PLAINTIFFS' MOTION TO CONDITIONALLY CERTIFY
A FAIR LABOR STANDARDS ACT COLLECTIVE ACTION AND AUTHORIZE
NOTICE TO BE ISSUED TO ALL PERSONS SIMILARLY SITUATED**

EXHIBIT "A"

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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LOUIS FERRER and GLEN ALTOMENTE,	:	
Individually and on Behalf of All Others	:	Civil Action No. 09-cv-4309 (WCC)
Similarly Situated,	:	
	:	
	:	
Plaintiffs,	:	
	:	
vs.	:	
	:	
	:	
RAINES & WELSH & SONS, INC., RAINES	:	
& WELSH & SONS CONTRACTORS, INC.,	:	
THOMAS J. WELSH, DEBORAH WELSH,	:	
STEVEN RAINES and JOHN DOES #1-10,	:	
Jointly and Severally,	:	
	:	
	:	
Defendants.	:	
	:	
	:	
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**[PROPOSED] ORDER ON PLAINTIFFS' MOTION TO CONDITIONALLY CERTIFY
A FAIR LABOR STANDARDS ACT COLLECTIVE ACTION AND AUTHORIZE
NOTICE TO BE ISSUED TO ALL PERSONS SIMILARLY SITUATED**

THIS MATTER came before the Court on Plaintiffs' Motion to Conditionally Certify a Fair Labor Standards Act Collective Action and Authorize Notice to be Issued to All Persons Similarly Situated and related relief, and the Court, having reviewed the said motion, opposition thereto, if any, the reply and the case file herein, and now being sufficiently advised in the premises,

HEREBY ORDERS that Plaintiffs' Motion is GRANTED, and FURTHER ORDERS that:

1. The collective action notice entitled "NOTICE OF LAWSUIT AND OPPORTUNITY TO JOIN," attached to the Pelton Declaration as Exhibit "E" is hereby approved for mailing to potential plaintiffs;

2. The collective class of potential plaintiffs in this matter shall consist of all current and former construction workers and other manual labor employees who worked for Defendants at any time from July 8, 2006 to the entry of judgment in this action; and

3. Defendants shall provide to Plaintiffs the names and last-known addresses of all potential plaintiffs who worked in the above positions from on or after July 8, 2006 to date no

later than five (5) days after the date of this Order. This information shall be supplied in paper form, and also digitally in one of the following formats: Microsoft Excel; Microsoft Word; or Corel WordPerfect; and

4. Plaintiffs shall mail the notice of collective action to all potential plaintiffs no later than five (5) days following the defendants' disclosure of the names and last-known addresses of the potential plaintiffs; and

5. If any notice to any potential plaintiff is returned as undeliverable, Plaintiffs' counsel is permitted to mail the notice to such potential plaintiff again at any other address he may determine is appropriate.

6. Plaintiffs' counsel may issue a follow-up reminder attached to the Pelton Declaration as Exhibit "G" to the potential plaintiffs approximately forty (40) days following the date of the initial mailing, reminding the potential plaintiffs of the deadline and enclosing a "Consent to Become Party Plaintiff" form; and

6. All potential plaintiffs must opt-in no later than sixty-five (65) days following the date of mailing of the collective action notice by returning the executed form entitled "Consent to Become Party Plaintiff" to Plaintiff's counsel no later than sixty (60) days from the date of mailing. Plaintiffs' counsel shall thereupon promptly file such executed consents with the Court.

DATED this __day of _____, 2009

THE HONORABLE WILLIAM C. CONNER, U.S.D.J.